

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THERMO FISCHER SCIENTIFIC INC.,)	
)	
Plaintiff,)	No. 4:23-CV-1098 JSD
)	
v.)	
)	
RYAN ARTHUR,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant’s Motion for Summary Judgment and Counterclaim Summary (ECF No. 58) and Memorandum and Points of Authorities (ECF No. 59).

Under Local Rule 4.01(E), “[e]very memorandum in support of a motion for summary judgment must be accompanied by a document titled Statement of Uncontroverted Material Facts, which must be separately filed using the filing event, “Statement of Uncontroverted Material Facts. The Statement of Uncontroverted Material Facts must set forth each relevant fact in a separately numbered paragraph stating how each fact is established by the record, with appropriate supporting citation(s).” E.D.Mo. L.R. 4.01(E).

Defendant’s Memorandum and Points of Authorities (ECF No. 59) contains a subsection entitled “Statement of Facts”. (ECF No. 59 at 1-3, ¶¶ 1-14). Defendant’s Statement of Facts is deficient because it is not filed in a separate filing event and it does not include separate numbered paragraphs that are supported by citations to the record. (*Id.*) Therefore, the Court strikes Defendant’s Motion for Summary Judgment and Counterclaim Summary (ECF No. 58) and Memorandum and Points of Authorities (ECF No. 59). *See Ackerman v. Iowa Workforce*

Dev., No. 4:18-CV-363-JAJ-CFB, 2020 WL 9607096, at *12 (S.D. Iowa May 19, 2020), *aff'd sub nom. Ackerman v. Iowa*, 19 F.4th 1045 (8th Cir. 2021)(quoting *Kirklin v. Joshen Paper & Packaging of Arkansas Co.*, 911 F.3d 530, 533 (8th Cir. 2018) (“A district court has the discretion to strike statements of fact offered in support of summary judgment for reasons including ‘(1) failing to cite to the record, (2) lacking the support of admissible evidence at trial, or (3) containing statements that were not properly supported by the material cited or that were otherwise irrelevant or immaterial.’”); *Ackerman*, 2020 WL 9607096, at *12 (citing *Brannon v. Luco Mop Co.*, 521 F.3d 843, 847 (8th Cir. 2008) (“The district court also has discretion to strike statements of fact that do not comply with local rules or the Federal Rules of Civil Procedure.”)).

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion for Summary Judgment and Counterclaim Summary (ECF No. 58) and Memorandum and Points of Authorities (ECF No. 59) are **STRICKEN**.

Dated this 12th day of October, 2023.



JOSEPH S. DUEKER
UNITED STATES MAGISTRATE JUDGE